United Nations A/72/604

General Assembly

Distr.: General
21 November 2017

Original: English

Seventy-second session
Agenda item 148
Financing of the International Residual Mechanism for Criminal Tribunals

Second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017

Report of the Secretary-General*

Summary

The present report provides an estimate of the anticipated final level of expenditure for the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017, taking into account changes in parameters for inflation and exchange rates compared with the assumptions made in the first performance report (A/71/579), which was reviewed by the General Assembly at its seventy-first session and formed the basis for the revised appropriation and estimate of income for the biennium.

The anticipated final level of expenditure for the Mechanism for 2016–2017 amounts to $131,966,100, reflecting a decrease of $3,781,600. The decrease is the result of the strengthening of the dollar against the euro and the Tanzanian shilling, lower inflation and decreases related to post and non-post resources. The anticipated final level of income for 2016–2017 amounts to $11,381,400, reflecting an increase of $787,200. Consequently, the combined effect of the anticipated final level of expenditure and income for 2016–2017 amounts to a decrease of $4,568,800.

* The date of submission takes into account the requirement to present the latest actual expenditure data to allow for better projections.

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I. Introduction

1. The second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017 provides an estimate of the anticipated final level of expenditure and income for the period. The estimate takes into account actual expenditure for the first 22 months of the biennium, projected requirements for the last 2 months, changes in inflation and exchange rates, and uses the approved recosting methodology as compared with the assumptions made in the first performance report (A/71/579), which was reviewed by the General Assembly at its seventy-first session and formed the basis for the revised appropriation and estimates of income for 2016–2017.

2. The activities of the Mechanism projected for the biennium 2016–2017 were predominantly judicial and most of the requirements were therefore linked to the pace of judicial activities.

II. Explanation of the changes in expenditure requirements

3. The combined effect of the anticipated final level of expenditure and income represents a decrease in net requirements of $4,568,800 compared with the revised appropriation and income reflected in the revised appropriation for the biennium 2016–2017, approved by the General Assembly in its resolution 71/269, as shown in tables 1 and 2.

Table 1
Projected changes and proposed final appropriation by component

(Thousands of United States dollars)

		Projected changes				
Component	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016–2017 final appropriation*
Expenditure						
Arusha						
Chambers	3 550.4	(23.8)	(14.3)	(3 096.4)	(3 134.5)	415.9
Office of the Prosecutor	9 819.5	(77.4)	(3.1)	(2 417.2)	(2 497.7)	7 321.8
Registry	57 115.1	(509.1)	(121.2)	(18 333.4)	(18 963.7)	38 151.4
Records management and archives	3 298.3	(26.6)	6.9	763.8	744.1	4 042.4
Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members	3 420.7	(25.7)	(15.4)	–	(41.1)	3 379.6
International Criminal Tribunal for Rwanda liquidation expenditures	–	–	–	2 622.4	2 622.4	2 622.4
Subtotal	**77 204.0**	**(662.6)**	**(147.1)**	**(20 460.8)**	**(21 270.5)**	**55 933.5**

		Projected changes				
Component	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
The Hague						
Chambers	2 888.0	(22.7)	2.3	(245.4)	(265.8)	2 622.2
Office of the Prosecutor	9 522.4	(53.4)	(0.9)	4 361.4	4 307.1	13 829.5
Registry	42 450.8	(236.7)	(10.7)	13 396.4	13 149.0	55 599.8
Records management and archives	3 524.2	(16.1)	(7.1)	262.0	238.8	3 763.0
Subtotal	**58 385.4**	**(328.9)**	**(16.4)**	**17 774.4**	**17 429.1**	**75 814.5**
New York						
Mechanism support	158.3	–	1.1	58.7	59.8	218.1
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**135 747.7**	**(991.5)**	**(162.4)**	**(2 627.7)**	**(3 781.6)**	**131 966.1**
Income						
Staff assessment	10 594.2	(59.7)	(18.6)	865.5	787.2	11 381.4
Total requirements (net)	**125 153.5**	**(931.8)**	**(143.8)**	**(3 493.2)**	**(4 568.8)**	**120 584.7**

Table 2
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	26 718.2	(212.1)	108.2	(3 061.3)	(3 165.2)	23 553.0
Other staff costs	21 743.8	(218.0)	(131.6)	(11 502.7)	(11 852.3)	9 891.5
Non-staff compensation	6 114.9	(41.0)	(24.6)	(3 096.4)	(3 162.0)	2 952.9
Consultants	64.2	(0.7)	(0.4)	38.7	37.6	101.8
Experts	296.6	(3.1)	(1.9)	(198.6)	(203.6)	93.0
Travel of staff	1 691.1	–	3.2	(343.5)	(340.3)	1 350.8
Contractual services	4 512.0	(46.9)	(28.5)	(1 691.6)	(1 767.0)	2 745.0
General operating expenses	7 101.4	(73.9)	(44.4)	(742.5)	(860.8)	6 240.6
Hospitality	22.1	(0.2)	(0.2)	–	(0.4)	21.7
Supplies and materials	795.5	(8.2)	(4.8)	–	(13.0)	782.5
Furniture and equipment	2 423.6	(25.5)	(15.6)	(215.0)	(256.1)	2 167.5
Improvement of premises	21.1	(0.2)	(0.1)	–	(0.3)	20.8
Grants and contributions	825.0	–	–	1 765.2	1 765.2	2 590.2
Staff assessment	4 874.5	(32.8)	(6.4)	(1 413.1)	(1 452.3)	3 422.2
Subtotal	**77 204.0**	**(662.6)**	**(147.1)**	**(20 460.8)**	**(21 270.5)**	**55 933.5**

Object of expenditure	*Revised 2016–2017 appropriation*	*Projected changes*				*Proposed 2016–2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
The Hague						
Posts	11 840.6	(52.2)	(25.8)	820.2	742.2	12 582.8
Other staff costs	22 120.2	(139.4)	10.5	12 814.6	12 685.7	34 805.9
Non-staff compensation	2 551.0	(22.7)	1.7	(159.7)	(180.7)	2 370.3
Experts	30.2	(0.2)	0.1	16.5	16.4	46.6
Travel of representatives	337.0	–	0.6	(85.7)	(85.1)	251.9
Travel of staff	807.4	–	1.7	182.7	184.4	991.8
Contractual services	4 476.4	(28.0)	2.1	1 648.4	1 622.5	6 098.9
General operating expenses	7 540.1	(47.1)	3.6	508.8	465.3	8 005.4
Hospitality	9.0	(0.1)	–	–	(0.1)	8.9
Supplies and materials	319.6	(2.2)	0.4	37.7	35.9	355.5
Furniture and equipment	1 610.3	(9.9)	0.8	316.3	307.2	1 917.5
Improvement of premises	31.3	(0.2)	0.1	–	(0.1)	31.2
Grants and contributions	1 008.5	–	–	(598.5)	(598.5)	410.0
Staff assessment	5 703.8	(26.9)	(12.2)	2 273.1	2 234.0	7 937.8
Subtotal	**58 385.4**	**(328.9)**	**(16.4)**	**17 774.4**	**17 429.1**	**75 814.5**
New York						
Posts	142.4	–	1.1	53.2	54.3	196.7
Staff assessment	15.9	–	–	5.5	5.5	21.4
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**135 747.7**	**(991.5)**	**(162.4)**	**(2 627.7)**	**(3 781.6)**	**131 966.1**
Income						
Staff assessment	10 594.2	(59.7)	(18.6)	865.5	787.2	11 381.4
Total requirements (net)	**125 153.5**	**(931.8)**	**(143.8)**	**(3 493.2)**	**(4 568.8)**	**120 584.7**

A. Variations in budgetary assumptions

Rates of exchange and inflation (decrease: $1,153,900)

4. In terms of inflation and exchange rates, the adjustments of resources for 2017 are based on actual experience in 2017 as compared with inflation and exchange rates approved in the revised appropriation for 2016–2017. For 2016, the adjustments are based on the actual experience for 2016 as compared with inflation and exchange rates approved in the revised appropriation for 2016–2017, which included projections for the last two months of 2016.

5. In estimating the effect of exchange rate fluctuations experienced in 2017, the actual rates realized from January to November were used, the November 2017 rate being assumed for December 2017. Details of the assumptions are reflected in annex I to the present report.

6. Accordingly, the decrease in requirements in this category is attributable to the strengthening of the dollar against the euro and the Tanzanian shilling ($991,500) and a decrease in the level of inflation ($162,400).

7. With regard to inflation, adjustments are based on the latest information available (November 2017) on consumer price indices as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above and salary scales for staff in the General Service and related categories.

B. Post incumbency and other changes

8. The changes reflected under post incumbency and other changes are explained below.

Chambers

Table 3
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016–2017 final appropriation*
Arusha						
Non-staff compensation	3 550.4	(23.8)	(14.3)	(3 096.4)	(3 134.5)	415.9
Subtotal	**3 550.4**	**(23.8)**	**(14.3)**	**(3 096.4)**	**(3 134.5)**	**415.9**
The Hague						
Non-staff compensation	2 551.0	(22.7)	1.7	(159.7)	(180.7)	2 370.3
Travel of representatives	337.0	–	0.6	(85.7)	(85.1)	251.9
Subtotal	**2 888.0**	**(22.7)**	**2.3**	**(245.4)**	**(265.8)**	**2 622.2**
Total	**6 438.4**	**(46.5)**	**(12.0)**	**(3 341.8)**	**(3 400.3)**	**3 038.1**

Non-staff compensation (decrease $3,256,100, including a decrease of $3,096,400 under the Arusha branch and a decrease of $159,700 under The Hague branch)

9. The decrease reflects the following:

(a) Arusha: a decrease resulting from the lower than anticipated level of judicial activity, specifically, the absence of trials owing to the non-arrest of two fugitives during the biennium;

(b) The Hague: a decrease owing mainly to (i) the passing away of one of the accused persons, Goran Hadžić, in July 2016, which resulted in the International Tribunal for the Former Yugoslavia terminating procedures prior to the case being transferred to the Mechanism; and (ii) a lower than budgeted average daily honorarium, which fluctuated from $595 to $670 during the biennium 2016–2017, compared to a daily rate of $714 contained in the 2016–2017 budgetary assumptions.

Travel of representatives (decrease: $85,700, entirely under The Hague branch)

10. The decrease is mainly related to optimal planning in travel management and lower requirements for the plenary meeting of the Mechanism's judges held in The Hague in 2016.

Office of the Prosecutor

Table 4
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	4 659.3	(36.9)	19.1	795.6	777.8	5 437.1
Other staff costs	3 065.9	(30.5)	(18.3)	(2 396.4)	(2 445.2)	620.7
Experts	137.2	(1.5)	(0.9)	(104.8)	(107.2)	30.0
Travel of staff	684.6	–	1.3	(288.4)	(287.1)	397.5
Contractual services	67.2	(0.7)	(0.4)	(38.8)	(39.9)	27.3
General operating expenses	369.1	(3.8)	(2.3)	(211.5)	(217.6)	151.5
Staff assessment	836.2	(4.0)	(1.6)	(172.9)	(178.5)	657.7
Subtotal	**9 819.5**	**(77.4)**	**(3.1)**	**(2 417.2)**	**(2 497.7)**	**7 321.8**
The Hague						
Posts	2 198.4	(9.6)	(2.4)	361.2	349.2	2 547.6
Other staff costs	5 895.1	(37.3)	2.8	3 358.4	3 323.9	9 219.0
Experts	30.2	(0.2)	0.1	16.5	16.4	46.6
Travel of staff	105.9	–	0.2	103.3	103.5	209.4
Contractual services	69.0	(0.4)	0.1	(39.4)	(39.7)	29.3
Staff assessment	1 223.8	(5.9)	(1.7)	561.4	553.8	1 777.6
Subtotal	**9 522.4**	**(53.4)**	**(0.9)**	**4 361.4**	**4 307.1**	**13 829.5**
Total expenditure (gross)	**19 341.9**	**(130.8)**	**(4.0)**	**1 944.2**	**1 809.4**	**21 151.3**
Income						
Staff assessment	2 060.0	(9.9)	(3.3)	388.5	375.3	2 435.3
Total requirements (net)	**17 281.9**	**(120.9)**	**(0.7)**	**1 555.7**	**1 434.1**	**18 716.0**

Posts (increase: $1,156,800, including an increase of $795,600 under the Arusha branch and an increase of $361,200 under The Hague branch)

11. The increase reflects the following:

(a) Arusha: an increase mainly attributable to overall lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were 8.3 per cent for Professional posts and zero per cent for General Service and

related posts. For the period from January to September 2017, the average vacancy rates were 12.5 per cent for Professional posts and zero per cent for General Service posts;

(b) The Hague: an increase attributable to higher than budgeted common staff costs, offset in part by higher average vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were 13.8 per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 5.7 per cent for Professional posts and zero per cent for General Service posts.

Other staff costs (net increase: $962,000, including a decrease of $2,396,400 under the Arusha branch and an increase of $3,358,400 under The Hague branch)

12. The increase reflects the following:

(a) Arusha: a decrease owing to the lower than anticipated judicial activity during the biennium, attributable to the non-occurrence of the trials of two fugitives;

(b) The Hague: an increase owing to the additional workload brought about by the unforeseen retrial in the *Stanišić and Simatović* case, for which no provisions were made in the 2016–2017 budget.

Experts (net decrease: $88,300, including a decrease of $104,800 under the Arusha branch and an increase of $16,500 under The Hague branch)

13. The decrease reflects the following:

(a) Arusha: a decrease owing to the lower than anticipated judicial activity as a result of the non-arrest of the fugitives during the biennium;

(b) The Hague: an increase owing to the additional workload brought about by the retrial in the *Stanišić and Simatović* case.

Travel of staff (net decrease: $185,100, including a decrease of $288,400 under the Arusha branch and an increase of $103,300 under The Hague branch)

14. The decrease reflects the following:

(a) Arusha: a decrease owing mainly to the fact that missions projected in respect of the prosecution of fugitives were not undertaken, since the two fugitives were not arrested during the biennium;

(b) The Hague: an increase due mainly to additional missions in support of the retrial in the *Stanišić and Simatović* case.

Contractual services (decrease: $78,200, including a decrease of $38,800 under the Arusha branch and a decrease of $39,400 under The Hague branch)

15. The decrease reflects a reduction under training for both Arusha and The Hague, due to the fact that the annual team meeting, involving both branches, was not held.

General operating expenses (decrease: $211,500, solely under the Arusha branch)

16. The decrease relates to a revised approach to the issue of source management and a refocusing of tracking goals to include other areas such as physical surveillance, technical surveillance and analysis of information, particularly relating

to technical surveillance. The Office of the Prosecutor set up two task forces, one in Africa and one in Europe, and has used partners, such as France, Belgium, the United Kingdom of Great Britain and Northern Ireland and INTERPOL, to more effect, which has enabled the Office of the Prosecutor to tap into their national and international expertise.

Staff assessment (net increase $388,500, including a decrease of $172,900 under the Arusha branch and an increase of $561,400 under The Hague branch)

17. The increase reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Registry

Table 5
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	19 614.0	(155.3)	78.6	(4 540.3)	(4 617.0)	14 997.0
Other staff costs	17 818.8	(179.0)	(108.2)	(9 433.4)	(9 720.6)	8 098.2
Consultants	64.2	(0.7)	(0.4)	–	(1.1)	63.1
Experts	159.4	(1.6)	(1.0)	(93.8)	(96.4)	63.0
Travel of staff	940.6	–	1.8	(83.6)	(81.8)	858.8
Contractual services	4 347.9	(45.1)	(27.5)	(1 661.1)	(1 733.7)	2 614.2
General operating expenses	6 655.9	(69.3)	(41.6)	(558.6)	(669.5)	5 986.4
Hospitality	22.1	(0.2)	(0.2)	–	(0.4)	21.7
Supplies and materials	723.4	(7.5)	(4.5)	–	(12.0)	711.4
Furniture and equipment	2 151.2	(22.7)	(13.8)	(215.0)	(251.5)	1 899.7
Improvement of premises	21.1	(0.2)	(0.1)	–	(0.3)	20.8
Grants and contributions	825.0	–	–	(340.0)	(340.0)	485.0
Staff assessment	3 771.5	(27.5)	(4.3)	(1 407.6)	(1 439.4)	2 332.1
Subtotal	**57 115.1**	**(509.1)**	**(121.2)**	**(18 333.4)**	**(18 963.7)**	**38 151.4**
The Hague						
Posts	7 409.1	(32.7)	(18.3)	235.6	184.6	7 593.7
Other staff costs	16 221.0	(102.0)	7.7	9 456.2	9 361.9	25 582.9
Travel of staff	657.0	–	1.4	79.4	80.8	737.8
Contractual services	4 277.1	(26.9)	1.9	1 687.8	1 662.8	5 939.9
General operating expenses	7 406.7	(46.3)	3.4	508.8	465.9	7 872.6
Hospitality	9.0	(0.1)	–	–	(0.1)	8.9
Supplies and materials	274.4	(1.7)	0.3	37.7	36.3	310.7
Furniture and equipment	1 070.7	(6.6)	0.6	316.3	310.3	1 381.0
Improvement of premises	31.3	(0.2)	0.1	–	(0.1)	31.2

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
Grants and contributions	1 008.5	–	–	(598.5)	(598.5)	410.0
Staff assessment	4 086.0	(20.2)	(7.8)	1 673.1	1 645.1	5 731.1
Subtotal	**42 450.8**	**(236.7)**	**(10.7)**	**13 396.4**	**13 149.0**	**55 599.8**
New York						
Posts	142.4	–	1.1	53.2	54.3	196.7
Staff assessment	15.9	–	–	5.5	5.5	21.4
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**99 724.2**	**(745.8)**	**(130.8)**	**(4 878.3)**	**(5 754.9)**	**93 969.3**
Income						
Staff assessment	7 873.4	(47.7)	(12.1)	271.0	211.2	8 084.6
Total requirements (net)	**91 850.8**	**(698.1)**	**(118.7)**	**(5 149.3)**	**(5 966.1)**	**85 884.7**

Posts (net decrease: $4,251,500, including a decrease of $4,540,300 under the Arusha branch, an increase of $235,600 under The Hague branch and an increase of $53,200 under Mechanism support in New York)

18. The net decrease reflects the following:

(a) Arusha: a decrease mainly attributable to higher than budgeted overall vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were 10.9 per cent for Professional posts and 4.0 per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 12.3 per cent for Professional posts and 1.9 per cent for General Service posts;

(b) The Hague: an increase attributable to higher than budgeted common staff costs, offset in part by higher average vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were 6.3 per cent for Professional posts and 2.4 per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 3.9 per cent for Professional posts and 3.3 per cent for General Service posts;

(c) New York: an increase due to a lower than budgeted actual vacancy rate during the biennium. The budgetary assumptions included a vacancy rate of 55.8 per cent compared with actual vacancy rates of 33.3 per cent and zero per cent for 2016 and 2017, respectively.

Other staff costs (net increase: $22,800, including a decrease of $9,433,400 under the Arusha branch and an increase of $9,456,200 under The Hague branch)

19. The increase reflects the following:

(a) Arusha: a decrease owing mainly to the lower than anticipated judicial activity during the biennium, attributable to the non-occurrence of the trials of two fugitives. The two fugitives were not arrested during the biennium;

(b) The Hague: an increase owing mainly to the additional staff that had to be recruited to support the undertaking of the Stanišić and Simatović retrial, for which no provisions were made in the 2016–2017 budget.

Experts (decrease: $93,800, solely under the Arusha branch)

20. The decrease mainly reflects the lower requirements for expert witnesses for the defence teams, attributable to the fact that the two fugitives were not arrested during the biennium.

Travel of staff (net decrease: $4,200, including a decrease of $83,600 under the Arusha branch and an increase of $79,400 under The Hague branch)

21. The decrease reflects the following:

(a) Arusha: a decrease owing mainly to the lower than anticipated judicial activity, attributable to the fact that the two fugitives were not arrested during the biennium;

(b) The Hague: an increase due mainly to additional travel required in support of the Stanišić and Simatović retrial.

Contractual services (net increase: $26,700, including a decrease of $1,661,100 under the Arusha branch and an increase of $1,687,800 under The Hague branch)

22. The increase reflects the following:

(a) Arusha: a decrease owing mainly to lower than budgeted requirements for defence counsel, attributable to the fact that the two fugitives were not arrested during the biennium;

(b) The Hague: an increase owing mainly to higher than budgeted requirements for defence counsel and verbatim reporting attributable to the undertaking of the Stanišić and Simatović retrial, which was not contemplated in the 2016–2017 judicial calendar and hence not budgeted for in the current biennium.

General operating expenses (net decrease: $49,800, including a decrease of $558,600 under the Arusha branch and an increase of $508,800 under The Hague branch)

23. The decrease reflects the following:

(a) Arusha: a reduction attributable mainly to (i) lower than anticipated level of judicial activity in Arusha, specifically the non-occurrence of trials of fugitives; and (ii) lower requirements for enforcement of sentences due to the fact that the projected transfers of persons convicted by the International Criminal Tribunal for Rwanda from the United Nations Detention Facility to enforcement States did not occur;

(b) The Hague: an increase attributable mainly to the higher than budgeted actual rental costs in the headquarters building, which is partially offset by reduced requirements for electricity as a result of consumption-reduction initiatives, such as the use of low-energy light bulbs and motion-sensor switches.

Supplies and materials (increase: $37,700, relating solely to The Hague branch)

24. The increase reflects the higher than budgeted requirements for audio/video supplies as a result of the increase in the number of tapes used for the proceedings in the *Stanišić and Simatović* case.

Furniture and equipment (net increase: $101,300, including a decrease of $215,000 under the Arusha branch and an increase of $316,300 under The Hague branch)

25. The increase is the net effect of the following:

(a) Arusha: a decrease owing mainly to less than budgeted acquisition of furniture and office equipment, as a result of the non-arrest of the two fugitives;

(b) The Hague: an increase owing mainly to additional requirements related to the acquisition of security and safety equipment to replace obsolete equipment. The additional judicial activity brought about by the Stanišić and Simatović retrial led to a consequential increase in court room operations, which in turn required the replacement of equipment to reduce the likelihood of system failures.

Grants and contributions (decrease: $938,500, including a decrease of $340,000 under the Arusha branch and a decrease of $598,500 under The Hague branch)

26. The decrease mainly reflects lower than budgeted actual charges by the United Nations Office at Geneva for support services provided to the Mechanism for both the Arusha branch and The Hague branch.

Staff assessment (net increase: $271,000, including a decrease of $1,407,600 under the Arusha branch, an increase of $1,673,100 under The Hague branch and an increase of $5,500 under Mechanism support in New York)

27. The increase reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Records management and archives

Table 6

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Arusha						
Posts	2 444.9	(19.9)	10.5	683.4	674.0	3 118.9
Other staff costs	2.9	–	–	–	–	2.9
Travel of staff	65.9	–	0.1	–	0.1	66.0
Contractual services	96.9	(1.1)	(0.6)	–	(1.7)	95.2
General operating expenses	76.4	(0.8)	(0.5)	–	(1.3)	75.1
Supplies and materials	72.1	(0.7)	(0.3)	–	(1.0)	71.1
Furniture and equipment	272.4	(2.8)	(1.8)	–	(4.6)	267.8
Staff assessment	266.8	(1.3)	(0.5)	80.4	78.6	345.4
Subtotal	**3 298.3**	**(26.6)**	**6.9**	**763.8**	**744.1**	**4 042.4**

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
The Hague						
Posts	2 233.1	(9.9)	(5.1)	223.4	208.4	2 441.5
Other staff costs	4.1	(0.1)	–	–	(0.1)	4.0
Travel of staff	44.5	–	0.1	–	0.1	44.6
Contractual services	130.3	(0.7)	0.1	–	(0.6)	129.7
General operating expenses	133.4	(0.8)	0.2	–	(0.6)	132.8
Supplies and materials	45.2	(0.5)	0.1	–	(0.4)	44.8
Furniture and equipment	539.6	(3.3)	0.2	–	(3.1)	536.5
Staff assessment	394.0	(0.8)	(2.7)	38.6	35.1	429.1
Subtotal	**3 524.2**	**(16.1)**	**(7.1)**	**262.0**	**238.8**	**3 763.0**
Total expenditure (gross)	**6 822.5**	**(42.7)**	**(0.2)**	**1 025.8**	**982.9**	**7 805.4**
Income						
Staff assessment	660.8	(2.1)	(3.2)	119.0	113.7	774.5
Total requirements (net)	**6 161.7**	**(40.6)**	**3.0**	**906.8**	**869.2**	**7 030.9**

Posts (increase: $906,800, including an increase of $683,400 under the Arusha branch and an increase of $223,400 under The Hague branch)

28. The increase reflects the following:

(a) Arusha: an increase attributable to lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were zero per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 5.6 per cent for Professional posts and 2.2 per cent for General Service posts;

(b) The Hague: an increase attributable to lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were zero per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rate was zero per cent for both Professional and General Service posts.

Staff assessment (increase: $119,000, including an increase of $80,400 under the Arusha branch and an increase of $38,600 under The Hague branch)

29. The increase reflects the portion of staff assessment relating to the change in requirements under posts.

Liabilities for payment of pensions of retired judges and after-service health insurance benefits to former staff members

30. In section II, paragraph 8, of its resolution 70/243, the General Assembly requested the Secretary-General, in the context of future budget submissions for the

Mechanism, to include a provision to fund the liabilities due within the related biennium for the pensions of retired judges, and their surviving spouses, and for after-service health insurance benefits to former staff of the International Criminal Tribunal for Rwanda, the Mechanism and, as appropriate, the International Tribunal for the Former Yugoslavia. Accordingly, a provision has been made to cover liabilities for payment of the pensions of retired judges and after-service health insurance benefits to former staff members, as shown below.

Table 7
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Projected 2016–2017 total appropriation*
Arusha						
Other staff costs	856.2	(8.5)	(5.1)	–	(13.6)	842.6
Non-staff compensation	2 564.5	(17.2)	(10.3)	–	(27.5)	2 537.0
Total	**3 420.7**	**(25.7)**	**(15.4)**	**–**	**(41.1)**	**3 379.6**

International Criminal Tribunal for Rwanda liquidation expenditures

31. In his final performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2016–2017 (A/71/577), the Secretary-General provided an estimate of the final level of resources required for the biennium 2016–2017 for the liquidation activities of the Tribunal, including an increase in the amount of $3,726,700 over the approved appropriation of $2,086,100 gross.

32. By its resolution 71/267, the General Assembly approved the transfer and charge of $3,726,700 gross ($3,466,000 net) as part of the estimated final expenditure, and further expenditures, if any, in excess of the approved appropriation for that purpose, under the 2016–2017 budget for the Mechanism, to be reported in the context of the second performance report on the budget of the Mechanism.

33. For the year ended 31 December 2016, the actual overexpenditure of the 2016–2017 budget of the International Criminal Tribunal for Rwanda, after necessary adjustments have been made, was $2.1 million; that amount was accordingly transferred and charged against the 2016–2017 budget of the Mechanism pursuant to General Assembly resolution 71/267 in 2016. Thus, the information in table 8 includes the amount of $2.1 million transferred from the 2016–2017 budget of the Tribunal as well as estimates to cover further liquidation expenditures relating to the Tribunal incurred by the Mechanism, as appropriate.

Table 8
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Other staff costs	–	–	–	327.1	327.1	327.1
Consultants	–	–	–	38.7	38.7	38.7
Travel of staff	–	–	–	28.5	28.5	28.5
Contractual services	–	–	–	8.3	8.3	8.3
General operating expenses	–	–	–	27.6	27.6	27.6
Grants and contributions	–	–	–	2 105.2	2 105.2	2 105.2
Staff assessment	–	–	–	87.0	87.0	87.0
Total expenditure (gross)	–	–	–	**2 622.4**	**2 622.4**	**2 622.4**
Income						
Staff assessment	–	–	–	87.0	87.0	87.0
Total requirements (net)	–	–	–	**2 535.4**	**2 535.4**	**2 535.4**

Other staff costs ($327,100)

34. The requirements under this heading relate to the costs associated with the contracts of short-term staff hired to support post-liquidation activities.

Consultants ($38,700)

35. The requirements relate to the charges for actuarial valuation services performed in respect of the liabilities for pension benefits and after-service health insurance of former judges and staff, respectively, of the International Criminal Tribunal for Rwanda.

Travel of staff ($28,500)

36. This covers the travel of short-term liquidation staff from Arusha to The Hague, as well as travel by The Hague-based finance staff to Arusha for assistance on liquidation. It also includes travel costs of staff of the Office of Internal Oversight Services for the post-liquidation audit of the International Criminal Tribunal for Rwanda.

Contractual services ($8,300)

37. The amount under this heading relates to charges in respect of the extension of software licences required in support of the liquidation exercise.

General operating expenses ($27,600)

38. The amount under this heading consists of charges for enforcement and witness protection activities as well as communications costs received as a result of

the extensive vendor reconciliation exercise performed by Mechanism staff as part of the post-liquidation activities.

Grants and contributions ($2,105,200)

39. This reflects the amount of overexpenditure for the year ended 31 December 2016 of the International Criminal Tribunal for Rwanda and charged against the Mechanism's 2016–2017 budget, in accordance with General Assembly resolution 71/267.

Staff assessment ($87,000)

40. The amount reflects the staff assessment portion relating to other staff costs.

III. Action to be taken by the General Assembly

41. **The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2016–2017 of $131,966,100 gross ($120,584,700 net) for the International Residual Mechanism for Criminal Tribunals.**

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Duty station							
	The Hague (euro to US $1)				*Arusha (Tanzanian shilling to US $1)*			
	Estimates reflected in the first performance report		*Proposed estimates for the final appropriation*		*Estimates reflected in the first performance report*		*Proposed estimates for the final appropriation*	
Budget parameters	*2016*	*2017*	*2016*	*2017*	*2016*	*2017*	*2016*	*2017*
Rate of exchange	0.906	0.881	0.905	0.893	2 183.117	2 181.000	2 183.179	2 230.713
Inflation rate (percentage)	0.2	1.0	0.1	1.3	5.2	6.5	5.2	5.40
Post adjustment multiplier (percentage)	32.61	34.00	32.62	34.03	42.75	41.50	42.72	40.77

Annex II

Judicial activity during the biennium 2016–2017

I. Principal activities of the President

In his judicial capacity, the President, during the course of the biennium (as from 31 October 2017) issued 42 orders and decisions in relation to matters concerning the enforcement of sentences. He issued a number of other orders and decisions, including on matters related to the review of administrative decisions and requests related to cases referred to national jurisdictions. In addition, the President issued 148 orders assigning matters to a single judge or the Appeals Chamber. He also presided over and served as pre-appeal judge on the appeal cases of *Prosecutor v. Vojislav Šešelj* and *Prosecutor v. Radovan Karadžić*. The President further presided over a number of matters on appeal, including over requests for review of judgment in the cases of *Prosecutor v. Augustin Ngirabatware*, *Prosecutor v. Eliézer Niyitegeka*, and *Prosecutor v. Laurent Semanza*.

II. Principal activities of single judges

During the course of the biennium (as from 31 October 2017), single judges issued 239 orders and decisions related to matters arising at the Arusha and The Hague branches concerning witness protection, requests for access to materials, disclosure, and allegations of contempt and false testimony. Judge William Sekule and Judge Vagn Joensen serve as Duty Judge at the Arusha branch on a rotating basis.

III. Principal activities of the Trial Chamber

On 15 December 2015, the Appeals Chamber of the International Tribunal for the Former Yugoslavia pronounced its judgment in the case of *Jovica Stanišić and Franko Simatović*, quashing their acquittals and ordering a retrial on all counts. On 17 December 2015, the President assigned a trial chamber to conduct the case. On 18 December 2015, Mr. Stanišić and Mr. Simatović pleaded not guilty at their initial appearance.

The Trial Chamber conducted pretrial proceedings during the biennium until 12 June 2017. Trial preparation hearings were held on 19 February, 23 May, 28 September and 14 December 2016 and on 7 April 2017. In addition, the Trial Chamber held hearings on 13 December 2016 and 2 February 2017 to hear expert medical evidence in order to assist it in formulating the modalities for trial to accommodate Mr. Stanišić's health condition. The pretrial conference was held on 17 May 2017. The trial commenced on 13 June 2017, and the presentation of the prosecution's case is ongoing. During the course of the biennium (as from 31 October 2017), the Trial Chamber issued a total of 128 orders or decisions related to provisional release, the conduct and scope of trial, the admission of evidence, and other matters.

IV. Principal activities of the Appeals Chamber

The Appeals Chamber conducted pre-appeal proceedings in the appeals by Radovan Karadžić and the prosecution against the trial judgment issued on 24 March 2016 by a Trial Chamber of the International Tribunal for the Former

Yugoslavia in the *Karadžić* case. The Trial Chamber had found Mr. Karadžić guilty of genocide, crimes against humanity, and violations of the laws and customs of war, and sentenced him to 40 years of imprisonment. In their notices of appeal, filed on 22 July 2016, Mr. Karadžić and the prosecution presented a total of 54 grounds of appeal. Briefing concluded on 6 April 2017 and the case is being prepared for a hearing. Status conferences were held on 15 November 2016 and 6 March, 23 June and 10 October 2017.

The Appeals Chamber also conducted pre-appeal proceedings in the appeal of the Prosecutor against the acquittal of Vojislav Šešelj on 31 March 2016 by a Trial Chamber of the International Tribunal for the Former Yugoslavia. The prosecution filed its notice of appeal on 2 May 2016, arguing that the Trial Chamber erred in law by failing to deliver a reasoned judgment and that it erred in fact by acquitting Mr. Šešelj. Briefing concluded on 22 February 2017, and an appeal hearing is scheduled for 13 December 2017.

On 8 July 2016, Augustin Ngirabatware filed a request for review of his appeal judgment. The proceedings in the case were delayed by the detention of Judge Aydin Sefa Akay until his provisional release on 14 June 2017. On 19 June 2017, the Appeals Chamber granted the request for review and ordered the parties to file a list of proposed evidence and witnesses in preparation for a review hearing. The Appeals Chamber is also seized of requests for review of judgments filed by Eliézer Niyitegeka and Laurent Semanza on 7 June 2017 and 9 October 2017, respectively. Briefing in respect of both matters is proceeding.

In addition, the Appeals Chamber considered a number of other discrete appeals, and other matters, including requests related to witness protection and access to confidential material. During the course of the biennium (as from 31 October 2017), the Appeals Chamber issued a total of 133 orders and decisions.